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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

FIRST MAGNUS FINANCIAL
CORPORATION,

Plaintiff,

v.

TYSON RONDEAU and JANE DOE
RONDEAU, Husband and Wife, et al.,

Defendants.

2:07-CV-132- JCM (PAL)

Date: N/A

Time: N/A

ORDER

Presently before the court is plaintiff First Magnus Financial Corporation's motion for oral argument. Defendants have not filed a response.

This court initially dismissed plaintiffs' suit on November 23, 2009 pursuant to Federal Rule of Civil Procedure 41(b) and local rule of the District of Nevada 41-1. (Doc. #248). On May 24, 2011, the Ninth Circuit issued its mandate reversing and remanding this court's dismissal to determine whether, under the factors outlined in *Henderson v. Duncan*, 779 F.2d 142, 1423 (9th Cir. 1986), the matter should be dismissed.

The parties' original briefs concerning the motion to dismiss pursuant to Rule 41(b) did not address the five *Henderson* factors. Plaintiff requests this court hold a hearing to enable the parties the opportunity to argue the applicability of the *Henderson* factors.

1 Good cause appearing,

2 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED, plaintiff First Magnus
3 Financial Corporation's motion for oral argument (doc. #271) be, and the same hereby is,
4 GRANTED.

5 IT IS FURTHER ORDERED that this court's order dismissing the complaint with prejudice
6 (doc. #248) is VACATED and a hearing on the motion to dismiss shall be held on November 1, 2011
7 at 10:30 a.m.

8 IT IS FURTHER ORDERED that the parties submit supplemental briefs explaining
9 their position on the applicability of the *Henderson* factors no later than seven calendar days prior
10 to the hearing.

11 DATED this 4th day of October, 2011.

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14 UNITED STATES DISTRICT JUDGE